

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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SUSAN LLOYD,	:	
Plaintiff,	:	
	:	
v.	:	No. 5:23-cv-2261
	:	
MANBEL DEVCO I LP. <i>et al.</i> ,	:	
Defendants.	:	

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**ORDER**

**AND NOW**, this 27<sup>th</sup> day of February, 2024, for the reasons set forth in the Opinion issued this date, **IT IS HEREBY ORDERED:**

1. The Motion to Dismiss filed by Defendants Manbel Devco III, LP, *d/b/a Eclipse at Belmont*, Audrey Caleca, and Caroline Schompert (collectively “Manbel Defendants”), ECF No. 55, is **GRANTED in part as follows**:

A. The ADA claims in Count VI are **DISMISSED with prejudice**.

B. The FHA claims in Count VI are **DISMISSED without prejudice**.

2. The remaining motions to dismiss, ECF Nos. 53-54, are **DISMISSED without prejudice**.

3. Because the Amended Complaint was never served on Defendant Greenscapes Landscaping Construction LLC, the entry of default against Defendant Greenscapes Landscaping Construction LLC is **VACATED**.<sup>1</sup>

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<sup>1</sup> *Alim Amin Abdullah v. Merriel*, No. 21-10810 (MAS) (JBD), 2023 U.S. Dist. LEXIS 211571, at \*4-5 (D.N.J. Nov. 28, 2023) (explaining that “[i]t is well-established that a plaintiff must serve every ‘pleading filed after the original complaint’” and vacating the clerk’s entry of default because the defendant was not properly served with the amended complaint (citing Fed. R. Civ. P. 5 (a)(1)(B))).

4. **On or before March 26, 2024**, Plaintiff may file a second amended complaint in accordance with the Opinion issued this date. Service of the second amended complaint must be made on Defendant Greenscapes Landscaping Construction LLC within twenty (20) days of filing of the second amended complaint and proof of the same shall be immediately filed with the court. If Plaintiff fails to timely file a second amended complaint, all federal claims will be dismissed with prejudice and an order will be issued declining supplemental jurisdiction over the remaining state-law claims.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Judge